

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

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October 6, 2008

Mark Van Bergh, Esq.  
2538C South Arlington Mill Drive  
Arlington, Virginia 22206

Re: WCNH-LP (FM), Concord, New Hampshire  
Facility Identification Number: 126127  
Highland Community Broadcasting  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed October 2, 2008, on behalf of Highland Community Broadcasting ("HCB"). HCB requests special temporary authority ("STA") to operate Station WCNH-LP with reduced power and increased antenna height.<sup>1</sup>

In support of the request, HCB states that it has filed minor change Application BPL-20081002ADM for the facilities proposed in the STA request and that grant of the requested STA would allow Station WCNH-LP to implement the modification while awaiting final approval of its application. For reasons which are discussed herein, the request is denied.

Our review indicates that, on October 28, 2005, HCB was granted STA for operation of Station WCNH-LP with emergency antenna facilities similar to those now proposed, due to damage caused to its licensed antenna system by water incursion. In the instant case, HCB has not provided any indication that it is unable to operate with its currently licensed facilities. Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established

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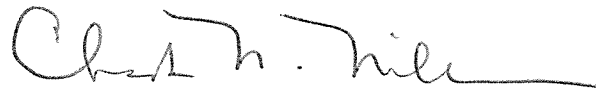
<sup>1</sup> WCNH-LP is licensed for operation on Channel 234L1 (94.7 MHz) with effective radiated power of 0.08 kilowatt (H&V) and antenna height above average terrain of 34 meters.

processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster.

Our review indicates that the "extraordinary circumstances" which require STA do not exist in this case. Station WCNH-LP should continue operation with its licensed facilities until the Commission acts on its application.

Accordingly, the request for STA IS HEREBY DENIED.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Highland Community Broadcasting